

## COMPTROLLER

JOAN M. PRATT, C.P.A.  
Room 204, City Hall  
Baltimore, Maryland 21202-3461



## OFFICE OF THE COMPTROLLER

COMMUNICATION SERVICES  
J. FITZGERALD HOSKINS, Director  
Municipal Telephone Exchange-Municipal Post Office  
201 E. Baltimore Street, Suite 1100  
Baltimore, Maryland 21202  
Telephone: 410-396-4926

### LETTER OF APPEAL

December 21, 2005

Universal Service Administrative Company  
Schools and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, New Jersey 07981

Dear USAC,

This letter is to appeal the Funding Commitment Decision Letter for Funding Year 2005 dated October 26, 2005.

Billed Entity Name:	Municipal Telephone Exchange
Billed Entity Number:	147864
Form 471 Application Number:	483475
Applicant's Form Identifier:	BCPS-8-05-06

The Funding Commitment Decision Letter states that funding for the Funding Year 2005 is denied. The Funding Commitment Report states that the "Consortium leader has failed to provide acceptable evidence of authority to file Forms 471 on behalf of, or evidence of the membership of, a substantial number of the members included in this consortium. Letters of Agency were dated after the certification of the Forms 471."

Instructions on your website concerning Letters of Agency state that "Consortia which have a statutory or regulatory basis and for which participation by schools or libraries is mandatory must be able to provide documentation supporting this certification, including copies of the relevant state statute or regulation."

Attached is a copy of the relevant pages from the City of Baltimore Administrative Manual approved and instantiated by the Board of Estimates of the City of Baltimore which is the regulator authority for all City of Baltimore agencies. The attached document states that "All telephone service and equipment within the City government are provided by the Municipal Telephone Exchange." The Administrative Manual also states that "All costs associated with a telephone number will be charged against the budget account provided by the agency..."

EXHIBIT 2b  
(without attachments  
that are identical to



Printed on recycled paper with environmentally friendly soy based ink. those with 2a)

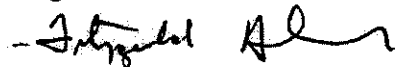
Baltimore City Public School, which is a consortium member, was formerly a City of Baltimore agency and is subject to City of Baltimore Administrative Manual for *operating procedures and is required to obtain its telephone service from the Municipal Telephone Exchange.* The attached section of Maryland Senate Bill 795 (page 36 Section 4) and the Memorandum of Understanding (Item 2 Section 4) state "[t]hat all services provided to the Baltimore City Public School System by other units of the Baltimore City Government ...shall continue to be provided..." This meets your stated requirement concerning the Letter of Agency as listed on your website.

Please contact me to discuss:

Fitzgerald Hoskins  
City of Baltimore  
Municipal Telephone Exchange  
201 E. Baltimore Street,  
Suite 1100  
Baltimore, MD 21202  
Phone: 410-396-4926  
Fax: 410-396-4547

Sincerely,

Fitzgerald Hoskins



Director of Communications Services



Administrative  
Manual  
POLICY

## SECTION

Central Services

## SUBJECT

MUNICIPAL TELEPHONE SERVICE

All telephone service and equipment within the City government are provided by the Municipal Telephone Exchange.

**Agency Representatives**

Each agency must select 1 or more employees to represent the organization in its dealings with the Municipal Telephone Exchange. The names and titles of the authorized representatives must be submitted to the Municipal Telephone Exchange by means of a MEMO (28-1418-5007) [AM-508-1] from the agency head.

**Requesting Telephone Equipment**

To request surveys of telephone requirements or equipment installation, change, or removal, a TELEPHONE SERVICE REQUEST (28-1308-5013) [AM-507-1-1] must be submitted to the Municipal Telephone Exchange by the agency's authorized representative. Requests received from persons other than the authorized representative will not be honored.

The TELEPHONE SERVICE REQUESTS for routine work must be received by the Municipal Telephone Exchange at least 10 work days prior to the desired installation date. Requests for complex work require more notice to be given. While the exact time requirements vary depending on the nature of the work involved, requests for complex work must be received at least 15 work days prior to the desired installation date.

**Billing**

All costs associated with a telephone number will be charged against the budget account number provided by the agency on the

continued . . .

## SECTION

Central Services

## SUBJECT

MUNICIPAL TELEPHONE SERVICE

TELEPHONE SERVICE REQUEST. Only 1 budget account number will be allowed on a single TELEPHONE SERVICE REQUEST. Adjustments for split funding, shared costs, etc., are the responsibility of the requesting agency, and should be made through use of a JOURNAL ENTRY (28-1428-5020) [AM-406-1].

**Long Distance Business Calls**

Agencies must submit a LONG DISTANCE CALL AUTHORIZATION (28-1308-5118) [AM-507-1-2] to the Municipal Telephone Exchange for each long distance (toll) call.

**Personal Calls**LOCAL CALLS

City telephones are not to be used by employees for personal messages except in emergencies. Pay telephones located in various buildings should be used for personal calls.

LONG DISTANCE CALLS

If it becomes essential for an employee to make a personal long-distance call during working hours using a City phone, he should attempt to have the call billed by the operator to a personal phone number, e.g., his home phone, or ask the operator to place a collect call (reverse the charges). If neither of these actions can be taken, the employee must record the call on a LONG DISTANCE CALL AUTHORIZATION and reimburse the Municipal Telephone Exchange for the cost of the call.

A \$10 penalty will be assessed against any employee who is found to have made a long distance personal call without intending to pay for it.

1 Chief Executive Officer of the Board. If assets are not sufficient to fund liabilities  
2 transferred, the liabilities shall be retained by the Mayor and City Council. Additionally,  
3 during any fiscal year after Fiscal Year 1997, liability for payments at separation or  
4 retirement of employees from the Board for leave accumulated and unused prior to June  
5 30, 1997, on terms applicable as of that date, shall be shared as follows: (1) liability up to  
6 \$3,500,000 shall be borne by the New Baltimore City Board of School Commissioners  
7 provided that such amount is transferred annually to the Board as part of the Education  
8 Budget; (2) liability exceeding \$3,500,000 shall be shared equally by the New Baltimore  
9 City Board of School Commissioners and the Mayor and City Council, provided that the  
10 total aggregate liability of the Board under this subsection (2) for all fiscal years  
11 combined may not exceed \$10,500,000; and (3) liability in excess of \$10,500,000 shall be  
12 borne by the Mayor and City Council.

13 SECTION 4. AND BE IT FURTHER ENACTED, That all services provided to the  
14 Baltimore City Public School System by other units of the Baltimore City Government as  
15 of the effective date of this Act that are not otherwise specifically altered by this Act,  
16 including but not limited to public works and transportation services, shall continue to be  
17 provided to the New Baltimore City Board of School Commissioners without diminution  
18 on the same basis and without an increase in any rate of compensation, unless and until  
19 otherwise provided by agreement between the Mayor and City Council and the New  
20 Baltimore City Board of School Commissioners; however, any agreement shall be  
21 submitted for review and comment to the House Appropriations and Ways and Means  
22 Committees and the Senate Budget and Taxation and Economic and Environmental  
23 Affairs Committees of the General Assembly on or before March 1 of the calendar year  
24 in which the agreement would take effect.

25 SECTION 4.5. AND BE IT FURTHER ENACTED, That, as of the effective date  
26 of this Act, each certificated and noncertificated employee of the Baltimore City Public  
27 School System shall become a member of the personnel system established by the New  
28 Baltimore City Board of School Commissioners in accordance with § 4-313 § 4-311 of the  
29 Education Article, as enacted by this Act, except that noninstructional senior level staff of  
30 the central administration shall reapply to the Board for continued employment upon the  
31 reorganization. Upon the reorganization, noninstructional supervisory personnel of the  
32 central administration, shall reapply to the Board for continued employment in positions  
33 in central administration. Such personnel include: Directors I, II, and III, Assistant  
34 Superintendents, Area Assistant Superintendents, Deputy Superintendents, and Chief  
35 Aides to the Superintendent, but exclude principals and school-based staff. All  
36 certificated employees who held tenure under §§ 6-201(f) and 6-202(b) of the Education  
37 Article before the effective date of this Act shall continue to hold tenure in the Baltimore  
38 City Public School System subject to removal as provided in § 6-202 of the Education  
39 Article. For the purposes of this section, the fifteen all nonprobationary noninstructional  
40 supervisory noncertificated employees shall remain employed by the Board subject to  
41 removal for cause in accordance with the provisions of § 4-205(c) of the Education  
42 Article.

43 SECTION 5. 6. AND BE IT FURTHER ENACTED, That, on or before April 30,  
44 February 1, 2000, a consultant shall complete an interim review of the Baltimore City  
45 Public School System and report the findings of the evaluation to the Governor, the  
46 Mayor, and, in accordance with § 2-1312 of the State Government Article, the General



Universal Service Administrative Company  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2005-2006**

February 02, 2006

Fitzgerald Hoskins  
Municipal Telephone Exchange  
201 East Baltimore Street, Suite 1100  
Baltimore, MD 21202

Re: Applicant Name: MUNICIPAL TELEPHONE EXCHANGE  
Billed Entity Number: 147864  
Form 471 Application Number: 480648  
Funding Request Number(s): 1329097, 1329185  
Your Correspondence Dated: December 21, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1329097, 1329185  
Decision on Appeal: Denied  
Explanation:

- In your letter of appeal, you explain that you believe the decision to deny funds should be overturned for several reasons. You point out that the Library Consortium-Frequently Asked Questions document does not provide a clear requirement for the written formation of a consortium. You also point to the listing of the Municipal Telephone Exchange (MTE) on the Form 470 as evidence that the consortium was already in place at that time. You believe by filing the Form 470, the Enoch Pratt Free Library authorizes the MTE to file a Form 471. You believe that the documentation presented does demonstrate the purpose of the LOA was fulfilled and that the LOA was simply a statement of an existing relationship.

EXHIBIT 3a

- During the appeals process, all the documentation provided during the consortium review was re-examined along with the appeal letter and your Form 471 applications. The Form 471 listed above was filed as a consortium application. *Program rules stipulate that when an application is filed as a consortium application, the consortia leader must have a Letter of Agency that contains specific requirements that are outlined on the USAC website. Please refer to the Reference Area listed on the SLD website at <http://www.universalservice.org/sl/> for more specific information. In particular, the Letters of Agency must be signed before the Form 471 is sent in for certification. In this case, the Form 471 certification for the application listed above was postmarked on February 18, 2005. All the Letters of Agency that you provided to the SLD were dated in September 2005. You have not provided any evidence that you did have a LOA on file at the time of the E-rate filing.*
- During the Program Integrity Assurance review of your Form 471 application you were asked to provide evidence of your authority to file Forms 471 on behalf of, or evidence of the membership of, all the members included in the consortium. SLD denied your application because you failed to provide proof of your authorization to represent all entities for which services were sought and/or proof of their membership in the consortium at the time the Form 471 was certified. In your appeal, you did not show that the SLD's determination was incorrect. Consequently, your appeal is denied.
- You failed to provide evidence of your authority to file FCC Forms 471 on behalf of, or evidence of, the membership of all the members included in this consortium. FCC rules require that the Form 471 shall be signed by the person authorized to order telecommunications and other supported services for the eligible schools or libraries or the consortium. The Form 471 shall include that person's various certifications under oath, submitted on behalf of eligible entities applying for discounts. 47 C.F.R. § 54.504 (c)(1). During the course of the application review, the SLD may seek documentation to confirm the consortium leader's authorization to represent all entities in the application, proof of each entity's membership in the consortium and their knowledge of filing of the applicable Form (s) 471 on their behalf. See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (October 2002) at Item 33.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

*Schools and Libraries Division*  
Universal Service Administrative Company





**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2005-2006**

February 02, 2006

Fitzgerald Hoskins  
Municipal Telephone Exchange  
201 East Baltimore Street, Suite 1100  
Baltimore, MD 21202

Re: Applicant Name: MUNICIPAL TELEPHONE EXCHANGE  
Billed Entity Number: 147864  
Form 471 Application Number: 483475  
Funding Request Number(s): 1339941, 1339954  
Your Correspondence Dated: December 21, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1339941, 1339954  
Decision on Appeal: Denied  
Explanation:

- In your letter of appeal, you explain that you believe the decision to deny funds should be overturned for several reasons. You point out that the Library Consortium-Frequently Asked Questions document does not provide a clear requirement for the written formation of a consortium. You also point to the listing of the Municipal Telephone Exchange (MTE) on the Form 470 as evidence that the consortium was already in place at that time. You believe by filing the Form 470, the Enoch Pratt Free Library authorizes the MTE to file a Form 471. You believe that the documentation presented does demonstrate the purpose of the LOA was fulfilled and that the LOA was simply a statement of an existing relationship.

EXHIBIT 3b

- During the appeals process, all the documentation provided during the consortium review was re-examined along with the appeal letter and your Form 471 applications. The Form 471 listed above was filed as a consortium application. *Program rules stipulate that when an application is filed as a consortium application, the consortia leader must have a Letter of Agency that contains specific requirements that are outlined on the USAC website. Please refer to the Reference Area listed on the SLD website at <http://www.universalservice.org/sl/> for more specific information. In particular, the Letters of Agency must be signed before the Form 471 is sent in for certification. In this case, the Form 471 certification for the application listed above was postmarked on February 18, 2005. All the Letters of Agency that you provided to the SLD were dated in September 2005. You have not provided any evidence that you did have a LOA on file at the time of the E-rate filing.*
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We thank you for your continued support, patience and cooperation during the appeal process.

*Schools and Libraries Division*  
Universal Service Administrative Company

# **FAX COVER PAGE**

## **City of Baltimore Municipal Telephone Exchange**

**TO:** Mimi Horn  
USAC  
888-276-8736

**FROM:** Fitz Hoskins  
410-396-4926 ph  
410-396-4547 fx

**DATE:** February 17, 2006

**RE:** Administrator's Decision on Appeal

**The explanation in this letters does not match the appeal sent to USAC. Two appeals were sent to USAC on the same day and the text in this letter does not go with this appeal.**

**RECEIVED - FCC**

**DEC - 8 2006**

**Federal Communication Commission  
Bureau / Office**

**Adrian Wright, WCB**  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554